

AUG 04 1995

Mr. Jeff Hughes
Director of Environmental Affairs
U.S. Intec
Post Office Box 2845
Port Arthur, Texas 77643

Dear Mr. Hughes:

As discussed in your telephone conversation with Mr. Eric Goehl of Radian Corporation (Radian), a visit by the U.S. Environmental Protection Agency (EPA) is scheduled for August 24, 1995 to the U.S. Intec facility in Port Arthur, Texas. This letter is to confirm the visit by the U.S. EPA. Mr. Juan E. Santiago of the EPA and Mr. Brian Palmer of Radian will be arriving at the plant at 9:00 a.m., as agreed in your telephone conversation. The purpose of the visit is to gather information and become familiar with the modified bitumen and asphalt roofing production operations at your facility.

The EPA is required by the 1990 Clean Air Act Amendments (the Act), as amended 1990, to regulate categories of major sources of the 189 hazardous air pollutants (HAP's) listed in section 112(b) of the Act. A preliminary list of major sources was listed in the Federal Register on June 21, 1991. The initial list of major sources, required by section 112(c)(1) of the Act, was published in the Federal Register on July 16, 1992. The asphalt roofing manufacturing industry was on the preliminary list and on the initial list. Therefore, the EPA is gathering information to assess the extent of HAP emissions and the performance of control technologies on these HAP's within the asphalt roofing manufacturing industry. To use the EPA and industry time efficiently in gathering support data, the EPA must visit a number of facilities that represent typical asphalt roofing production facilities and that use control technologies that are potentially suitable for control of HAP's.

The types of information we would like to discuss with you during the site visit includes the following:

1. Description of the plant itself--size, hours of operation, layout of production lines, types of products, and production rate;

2. Detailed descriptions of the asphalt processing and roofing manufacturing process, including the modified bitumen process line;

3. Descriptions of any control devices used to limit or destroy air emissions from the processing or manufacturing equipment;

4. Results of any emission tests or workplace monitoring for HAP's or other air pollutants; and

5. Capital and annualized costs for installing and operating emissions control devices.

If you believe that disclosure of the information we request would reveal a trade secret, you should clearly identify such information as discussed in Enclosure 1. Any information subsequently determined to constitute a trade secret will be protected under 18 U.S.C. 1905. If no claim of confidentiality accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice (40 CFR Part 2.2043, September 1, 1976). Because section 114(c) of the Act exempts emissions data from claims of confidentiality, the emissions data you provide may be made available to the public. A clarification of what the EPA considers emissions data is contained in Enclosure 2.

As noted in Enclosure 3, we have designated Radian as an authorized representative of the Agency. Therefore, Radian has the rights discussed above and in Enclosure 1. As an authorized representative of the EPA, Radian is subject to the provisions of 42 U.S.C. 7414(c) respecting confidentiality of methods or processes entitled to protection as trade secrets. Radian's contract with EPA is No. 68-D1-0117.

Enclosure 4 summarizes the EPA's policies and procedures for handling privileged information and describes the EPA contractor commitments and procedures for use of confidential materials. It is the EPA's policy that compliance by an authorized representative with the requirements detailed in Enclosure 3 provides sufficient protection for the rights of submitters of privileged information.

The following policies concerning liability should also be of interest to you:

1. If a Federal employee is injured in the course of his employment, he has compensation coverage from the Government under the Federal Employees Compensation Act (5 U.S.C. 8108 et seq.); and

2. If, due to the employee's negligence, property damage or personal injury to third parties occurs, the Federal Tort Claim Act (28 U.S.C. 1346) provides a means of fixing any liability upon the Federal Government.

The Office of General Counsel has informed the Agency that a firm may not condition EPA's "right of entry" upon consent to a waiver of liability and has instructed employees not to sign such waivers. If you have any questions regarding this refusal, please contact the EPA's General and Information Law Division at (202) 260-0020.

If there are any questions regarding this confirmation, please contact Mr. Juan Santiago of the EPA at (919) 541-1084.

Sincerely,

James U. Crowder, Group Leader
Minerals and Inorganic Chemicals Group
Emission Standards Division

4 Enclosures